

Senate Chamber, Atlanta, Georgia
Tuesday, March 15, 2005
Thirty-third Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House and Senate:

HB 744. By Representatives Ray of the 136th and James of the 135th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners for Peach County, approved March 10, 1964 (Ga. L. 1964, p. 2627), as amended, so as to provide for filling of vacancies in the board; to repeal conflicting laws; and for other purposes.

HB 745. By Representatives Crawford of the 127th and Ray of the 136th:

A BILL to be entitled an Act to provide that future elections for the office of chief magistrate of Upson County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 748. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to amend an Act incorporating the City of Toccoa, approved December 20, 1897 (Ga. L. 1897, p. 341), as amended, so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

HB 751. By Representatives Royal of the 171st, Houston of the 170th and Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act re-creating the board of commissioners of Colquitt County, approved March 24, 1974 (Ga. L. 1974, p. 3078), as amended, so as to change certain provisions regarding the compensation and qualifications of the county administrator; to repeal conflicting laws; and for other purposes.

HB 752. By Representative Royal of the 171st:

A BILL to be entitled an Act to amend an Act reincorporating and providing a new charter for the City of Baconton in Mitchell County, approved February 13, 1976 (Ga. L. 1976, p. 2552), as amended, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmembers; to provide for authority for this Act; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 754. By Representative Ralston of the 7th:

A BILL to be entitled an Act to create and establish the Gilmer County Building Authority, a body corporate and politic and an instrumentality of the State of Georgia; to authorize the authority to acquire, construct, equip, maintain, and operate certain projects, including buildings and facilities for use by Gilmer County for its governmental, proprietary, and administrative functions; to provide for members of the authority and their terms, organization, and reimbursement; to provide that the property of the authority shall not be subject to levy and sale; to provide that certain moneys are trust funds; to provide that this Act shall be liberally construed; to define the scope of the authority's operation; to provide for disposition of property upon authority dissolution; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 757. By Representative Hanner of the 148th:

A BILL to be entitled an Act to create and establish the Georgetown-Quitman County Charter and Unification Commission; to provide for a short title; to provide for definitions; to provide for the appointment of the members of said commission; to provide for the organizational meeting of the charter and unification commission and for the election of a chairperson; to provide for the powers and duties of said commission; to

provide that the charter and unification commission shall be authorized to employ a staff to assist it in carrying out its powers and duties; to provide for the expenses of the charter and unification commission and for the payment of those expenses by the governing authorities of the City of Georgetown and the County of Quitman; to provide for all procedures and other matters connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 758. By Representatives Carter of the 159th and Burns of the 157th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Rincon," approved April 4, 1997 (Ga. L. 1997, p. 3556), as amended, so as to provide that the corporate limits of such town shall not include certain property; to repeal conflicting laws; and for other purposes.

HB 760. By Representatives Freeman of the 140th and Cole of the 125th:

A BILL to be entitled an Act to abolish the office of elected county surveyor of Jones County pursuant to Code Section 36-7-2.1 of the O.C.G.A.; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 766. By Representatives Dukes of the 150th, Rynders of the 152nd and Sims of the 151st:

A BILL to be entitled an Act to amend an Act creating the Small Claims Court of Dougherty County, now the Magistrate Court of Dougherty County, approved March 24, 1976 (Ga. L. 1976, p. 3164), as amended, particularly by an Act approved March 27, 1998 (Ga. L. 1998, p. 3844), so as to change the number of full-time magistrates serving in such court; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 767. By Representatives Dukes of the 150th, Rynders of the 152nd and Sims of the 151st:

A BILL to be entitled an Act to amend an Act creating the office of the County Administrator of Dougherty County, Georgia, approved March 11, 1975 (Ga. L. 1975, p. 2651), as amended, particularly by an Act approved March 24, 1988 (Ga. L. 1988, p. 4751), so as to change the contract purchase power of the county administrator; to repeal conflicting laws; and for other purposes.

- HB 768. By Representatives Dukes of the 150th, Rynders of the 152nd and Sims of the 151st:

A BILL to be entitled an Act to amend an Act creating the State Court of Dougherty County, formerly known as the City Court of Albany, approved December 16, 1897 (Ga. L. 1897, p. 408), as amended, so as to change the provisions relating to the compensation of the judge of the state court; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 769. By Representatives Borders of the 175th, Black of the 174th and Shaw of the 176th:

A BILL to be entitled an Act to amend an Act establishing the Valdosta-Lowndes County Conference Center and Tourism Authority, approved April 9, 1999 (Ga. L. 1999, p. 4072), so as to change the membership of the authority; to change the method of appointment for one member; to add one member; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 772. By Representatives Rogers of the 26th, Reece of the 27th, Mills of the 25th and Benton of the 31st:

A BILL to be entitled an Act to authorize the City of Gainesville to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 773. By Representatives Murphy of the 120th, Howard of the 121st, Warren of the 122nd, Anderson of the 123rd and Burmeister of the 119th:

A BILL to be entitled an Act to authorize the consolidated government of Augusta, Georgia, to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 774. By Representatives Borders of the 175th, Black of the 174th and Shaw of the 176th:

A BILL To be entitled an Act to amend an Act establishing the Valdosta-Lowndes County Airport Authority, approved March 19, 1987 (Ga. L. 1987, p. 4495), so as to change the membership of the authority; to change the appointing authority for one member; to add one member; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 776. By Representatives Tumlin of the 38th, Manning of the 32nd, Setzler of the 35th, Johnson of the 37th, Wix of the 33rd and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the deputy clerk of the superior court; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 784. By Representatives Byrd of the 20th, Scheid of the 22nd, Hill of the 21st and Murphy of the 23rd:

A BILL to be entitled an Act to amend an Act known as the "Cherokee County Water and Sewerage Authority Act," approved March 7, 1955 (Ga. L. 1955, p. 2943), as amended, so as to change the provisions relating to compensation of the chairperson and members; to repeal conflicting laws; and for other purposes.

- HB 786. By Representatives Scheid of the 22nd, Byrd of the 20th, Murphy of the 23rd and Hill of the 21st:

A BILL to be entitled an Act to authorize the City of Woodstock to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 787. By Representatives Mitchell of the 88th, Watson of the 91st, Henson of the 87th, Oliver of the 83rd, Gardner of the 57th and others:

A BILL to be entitled an Act to amend an Act providing for the

compensation of certain county officers and officials of DeKalb County, approved March 31, 1976 (Ga. L. 1976, p.3986), as amended, particularly by an Act approved April 14, 1997 (Ga. L. 1997, p.3822), so as to change the compensation of the sheriff; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 788. By Representatives Henson of the 87th, Watson of the 91st, Mangham of the 94th, Benfield of the 85th, Gardner of the 57th and others:

A BILL to be entitled an Act to amend an Act providing for the DeKalb County Board of Registrations and Elections, approved June 3, 2003 (Ga. L. 2003, p. 4200), so as to change the compensation of the members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 789. By Representatives Henson of the 87th, Watson of the 91st, Mangham of the 94th, Oliver of the 83rd, Sinkfield of the 60th and others:

A BILL to be entitled an Act to amend an Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, approved March 21, 1974 (Ga. L. 1974, p. 391), as amended, particularly by an Act approved March 30, 1989 (Ga. L. 1989, p. 4696), an Act approved April 15, 1992 (Ga. L. 1992, p. 6269), an Act approved March 27, 1995 (Ga. L. 1995, p. 3521), and an Act approved April 2, 1998 (Ga. L. 1998, p. 4075), so as to increase the amount of such supplement; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 49. By Senators Kemp of the 46th, Thompson of the 33rd, Grant of the 25th and Zamarripa of the 36th:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated, so as to provide for notification to the members of the General Assembly of the availability of annual reports, budgets, and audits; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 55. By Senators Seabaugh of the 28th and Balfour of the 9th:

A BILL to be entitled an Act to amend Chapter 3 of Title 43 of the O.C.G.A., relating to accountants, so as to change the composition of the state board of accountancy; to repeal certain provisions relating to registered public accountants; to provide that public accountants shall upon

application be certificated as certified public accountants; to remove references to registered public accountants; to change certain provisions relating to use of titles and devices, false or fraudulent claims, and regulation of solicitation of employment; to amend Chapter 40 of Title 43 of the O.C.G.A.; to amend Article 13 of Chapter 1 of Title 7 of the O.C.G.A.; to amend Chapter 12 of Title 16 of the O.C.G.A.; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 89. By Senators Thomas of the 54th, Unterman of the 45th and Smith of the 52nd:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I controlled substances; to change certain provisions relating to the definition of dangerous drug; to provide for exceptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has passed, by substitute, by the requisite constitutional majority the following Bills of the Senate:

SB 97. By Senators Hamrick of the 30th, Mullis of the 53rd, Kemp of the 46th, Unterman of the 45th and Tate of the 38th:

A BILL to be entitled an Act to amend Code Section 15-11-71 of the Official Code of Georgia Annotated, relating to juvenile court supervision fees, so as to provide that fees may be used for truancy intervention services; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 220. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to create the Rabun County Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation, to have the responsibility and authority to promote tourism, conventions, and trade shows in Rabun County, Georgia; to provide for the creation and organization of the authority; to provide for the appointment of the directorship of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to

provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolutions of the House:

HR 563. By Representatives Amerson of the 9th and Reece of the 27th:

A RESOLUTION establishing Dahlonge/Lumpkin County as Georgia's Premier Sports Cycling Community; and for other purposes.

HR 566. By Representatives Dickson of the 6th, Forster of the 3rd and Williams of the 4th:

A RESOLUTION declaring Prater's Mill a Legacy of Georgia Tradition; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 350. By Senator Smith of the 52nd:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Rome, approved August 19, 1918 (Ga. L. 1918, p. 813), as amended, so as to authorize the City of Rome to exercise all redevelopment and other powers authorized or granted to municipalities under Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as now or hereafter amended, and to provide for certain such powers; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 351. By Senator Kemp of the 46th:

A BILL to be entitled an Act to amend an Act establishing a City Court in the County of Clarke, formerly known as the State Court of Clarke County, Georgia, approved September 9, 1879 (Ga. L. 1878-79, p. 291), as amended, now known as the State Court of Athens-Clarke County, as redesignated by an Act approved March 2, 1990 (Ga. L. 1990, p. 3560), so as to authorize the

court to charge a technology fee for each civil case filed and each criminal fine imposed; to specify the uses to which said technology fees may be utilized; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 352. By Senators Douglas of the 17th and Starr of the 44th:

A BILL to be entitled an Act to abolish the Board of Elections for Henry County, as established by an Act approved April 5, 1995 (Ga. L. 1995, p. 4198), establishing the same; to create a board of elections and registration for Henry County and provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for expenditures of public funds; to provide for compensation of members of the board; to provide for offices and equipment; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 353. By Senators Walker of the 22nd and Powell of the 23rd:

A BILL to be entitled an Act to amend an Act providing for the consolidation of Richmond County and the City of Augusta, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3769), so as to provide for extending the terms of the current members of the Augusta, Georgia, Commission by one year, so that future elections for members of the commission shall be held in even-numbered years; to provide that this change shall be conditioned upon approval by the voters of Augusta, Georgia, at an election to be called and held for that purpose; to provide that in 2005 there shall be no municipal primary election; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 354. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to create a board of elections and registration for Dade County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SR 433. By Senator Tolleson of the 20th:

A RESOLUTION dedicating a portion of US Highway 441 within the corporate limits of the City of McRae in honor of Mayor Johnny Bradfield; and for other purposes.

Referred to the Transportation Committee.

SR 434. By Senator Tolleson of the 20th:

A RESOLUTION dedicating a portion of US Highway 341 within the corporate limits of the City of McRae as Martin Luther King, Jr., Blvd.; and for other purposes.

Referred to the Transportation Committee.

SR 435. By Senator Butler of the 55th:

A RESOLUTION urging the State of Georgia to work toward the passage of legislation that will establish a system of stroke care for all state residents stricken by stroke; and for other purposes.

Referred to the Health and Human Services Committee.

The following House legislation was read the first time and referred to committee:

HB 744. By Representatives Ray of the 136th and James of the 135th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners for Peach County, approved March 10, 1964 (Ga. L. 1964, p. 2627), as amended, so as to provide for filling of vacancies in the board; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 745. By Representatives Crawford of the 127th and Ray of the 136th:

A BILL to be entitled an Act to provide that future elections for the office of chief magistrate of Upson County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 748. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to amend an Act incorporating the City of Toccoa, approved December 20, 1897 (Ga. L. 1897, p. 341), as amended, so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 751. By Representatives Royal of the 171st, Houston of the 170th and Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act re-creating the board of commissioners of Colquitt County, approved March 24, 1974 (Ga. L. 1974, p. 3078), as amended, so as to change certain provisions regarding the compensation and qualifications of the county administrator; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 752. By Representative Royal of the 171st:

A BILL to be entitled an Act to amend an Act reincorporating and providing a new charter for the City of Baconton in Mitchell County, approved February

13, 1976 (Ga. L. 1976, p. 2552), as amended, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmembers; to provide for authority for this Act; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 754. By Representative Ralston of the 7th:

A BILL to be entitled an Act to create and establish the Gilmer County Building Authority, a body corporate and politic and an instrumentality of the State of Georgia; to authorize the authority to acquire, construct, equip, maintain, and operate certain projects, including buildings and facilities for use by Gilmer County for its governmental, proprietary, and administrative functions; to provide for members of the authority and their terms, organization, and reimbursement; to provide that the property of the authority shall not be subject to levy and sale; to provide that certain moneys are trust funds; to provide that this Act shall be liberally construed; to define the scope of the authority's operation; to provide for disposition of property upon authority dissolution; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 757. By Representative Hanner of the 148th:

A BILL to be entitled an Act to create and establish the Georgetown-Quitman County Charter and Unification Commission; to provide for a short title; to provide for definitions; to provide for the appointment of the members of said commission; to provide for the organizational meeting of the charter and unification commission and for the election of a chairperson; to provide for the powers and duties of said commission; to provide that the charter and unification commission shall be authorized to employ a staff to assist it in carrying out its powers and duties; to provide for the expenses of the charter and unification commission and for the payment of those expenses by the governing authorities of the City of Georgetown and the County of Quitman; to provide for all procedures and other matters connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 758. By Representatives Carter of the 159th and Burns of the 157th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Rincon," approved April 4, 1997 (Ga. L. 1997, p. 3556), as amended, so as to provide that the corporate limits of such town shall not include certain property; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 760. By Representatives Freeman of the 140th and Cole of the 125th:

A BILL to be entitled an Act to abolish the office of elected county surveyor of Jones County pursuant to Code Section 36-7-2.1 of the O.C.G.A.; to provide for related matters; to repeal conflicting laws; and for other purposes.

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HB 766. By Representatives Dukes of the 150th, Rynders of the 152nd and Sims of the 151st:

A BILL to be entitled an Act to amend an Act creating the Small Claims Court of Dougherty County, now the Magistrate Court of Dougherty County, approved March 24, 1976 (Ga. L. 1976, p. 3164), as amended, particularly by an Act approved March 27, 1998 (Ga. L. 1998, p. 3844), so as to change the number of full-time magistrates serving in such court; to provide an effective date; to repeal conflicting laws; and for other purposes.

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Referred to the State and Local Governmental Operations Committee.

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Referred to the State and Local Governmental Operations Committee.

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Referred to the State and Local Governmental Operations Committee.

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A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the deputy clerk of the superior court; to provide an effective date; to repeal conflicting laws; and for other purposes.

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Referred to the State and Local Governmental Operations Committee.

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A BILL to be entitled an Act to authorize the City of Woodstock to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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A BILL to be entitled an Act to amend an Act providing for the compensation of certain county officers and officials of DeKalb County, approved March 31, 1976 (Ga. L. 1976, p.3986), as amended, particularly by an Act approved April 14, 1997 (Ga. L. 1997, p.3822), so as to change the compensation of the sheriff; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

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A BILL to be entitled an Act to amend an Act providing for the DeKalb County Board of Registrations and Elections, approved June 3, 2003 (Ga. L. 2003, p. 4200), so as to change the compensation of the members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

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A BILL to be entitled an Act to amend an Act providing a supplement to the compensation, expenses, and allowances of the judges of the superior court of the Stone Mountain Judicial Circuit, approved March 21, 1974 (Ga. L. 1974, p. 391), as amended, particularly by an Act approved March 30, 1989 (Ga. L. 1989, p. 4696), an Act approved April 15, 1992 (Ga. L. 1992, p. 6269), an Act approved March 27, 1995 (Ga. L. 1995, p. 3521), and an Act approved April 2,

1998 (Ga. L. 1998, p. 4075), so as to increase the amount of such supplement; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HR 563. By Representatives Amerson of the 9th and Reece of the 27th:

A RESOLUTION establishing Dahlonga/Lumpkin County as Georgia's Premier Sports Cycling Community; and for other purposes.

Referred to the Rules Committee.

HR 566. By Representatives Dickson of the 6th, Forster of the 3rd and Williams of the 4th:

A RESOLUTION declaring Prater's Mill a Legacy of Georgia Tradition; and for other purposes.

Referred to the Rules Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 59	Do Pass	HB 240	Do Pass
HB 183	Do Pass	HB 428	Do Pass

Respectfully submitted,
Senator Hudgens of the 47th District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HR 427	Do Pass
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SR 82 Pursuant to Senate Rule 2-1.10(b), referred to the Senate Rules Committee from the General Calendar.

Respectfully submitted,
Senator Balfour of the 9th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 36	Do Pass by substitute	HB 628	Do Pass
HB 296	Do Pass by substitute	HB 650	Do Pass
HB 415	Do Pass	HB 663	Do Pass
HB 512	Do Pass	SB 264	Do Pass
HB 522	Do Pass	SB 309	Do Pass
HB 570	Do Pass	SR 376	Do Pass by substitute

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

Mr. President:

The Veterans and Military Affairs Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 442	Do Pass
SR 353	Do Pass

Respectfully submitted,
Senator Douglas of the 17th District, Chairman

The following legislation was read the second time:

SR 326

Senator Stoner of the 6th asked unanimous consent that Senator Adelman of the 42nd be excused. The consent was granted, and Senator Adelman was excused.

The roll was called and the following Senators answered to their names:

Brown	Hill,Judson	Smith
Bulloch	Hooks	Starr
Butler	Hudgens	Staton
Cagle	Johnson	Stephens
Carter	Jones	Stoner
Chance	Kemp	Tate
Chapman	Me V Bremen	Thomas,D
Douglas	Miles	Thomas,R
Fort	Moody	Thompson,C
Goggans	Mullis	Thompson,S
Golden	Pearson	Tolleson
Grant	Powell	Unterman
Hamrick	Reed	Walker
Harbison	Rogers	Weber
Harp	Schaefer	Whitehead
Heath	Seabaugh	Wiles
Henson	Seay	Williams
Hill,Jack	Shafer,D	Zamarripa

Not answering were Senators:

Adelman (Excused)	Balfour
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The members pledged allegiance to the flag.

Senator Whitehead of the 24th introduced the chaplain of the day, Pastor Gary Porterfield of Evans, Georgia, who offered scripture reading and prayer.

Senator Hill of the 32nd introduced the doctor of the day, Dr. Charles Burton.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House adheres to its position in insisting on its substitute, and has appointed a Committee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following Bill of the House:

HB 85. By Representatives Richardson of the 19th, Golick of the 34th, Harbin of the 118th, Roberts of the 154th and Keen of the 179th:

A BILL to be entitled an Act to make and provide appropriations for the State Fiscal Year beginning July 1, 2005, and ending June 30, 2006; and for other purposes.

The Speaker has appointed on the part of the House, Representatives Harbin of the 118th, Keen of the 179th and Burkhalter of the 50th.

Senator Henson of the 41st recognized the family of Tommy Thompson, commended by SR 172, adopted previously.

Senator Hill of the 32nd recognized Children's Healthcare of Atlanta, commended by SR 159, adopted previously.

The following resolutions were read and adopted:

SR 436. By Senators Thompson of the 5th and Balfour of the 9th:

A RESOLUTION commending the members of the Berkmar High School Academic Decathlon Team and their coach William R. Bray IV; and for other purposes.

SR 437. By Senators Miles of the 43rd, Butler of the 55th, Jones of the 10th and Thompson of the 5th:

A RESOLUTION commending the DeKalb County School Board; and for other purposes.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday March 15, 2005
Thirty-third Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 264 Bulloch of the 11th
 Meyer von Bremen of the 12th
 PATAULA CIRCUIT

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms of superior courts, so as to change certain terms of court in the Pataula Circuit; to repeal conflicting laws; and for other purposes.

SB 309

Golden of the 8th
THOMASVILLE, CITY OF

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Thomasville, approved March 30, 1990 (Ga. L. 1990, p. 5051), as amended, so as to change the method of filling vacancies on the board of education of the independent school district of the City of Thomasville; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 415

Carter of the 13th
CRISP COUNTY

A BILL to be entitled an Act to create a board of elections and registration for Crisp County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 512

Carter of the 13th
LEE COUNTY

A BILL to be entitled an Act to amend an Act creating the Lee County Utilities Authority, approved April 17, 1992 (Ga. L. 1992, p. 6419), as amended, so as to change the composition of such authority; to repeal conflicting laws; and for other purposes.

HB 522

Stoner of the 6th
Rogers of the 21st
Hill of the 32nd
Thompson of the 33rd
Wiles of the 37th

COBB COUNTY-MARIETTA WATER AUTHORITY

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), so as to amend certain provisions relating to the immunity of the authority; to repeal conflicting laws; and for other purposes.

HB 628

Carter of the 13th
LEE COUNTY

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Lee County, approved August 6, 1921 (Ga. L. 1921, p. 517), as amended, so as to change certain provisions regarding qualifications of members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 650

Stoner of the 6th
Rogers of the 21st
Hill of the 32nd
Thompson of the 33rd
Wiles of the 37th
COBB COUNTY

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4834) and by an Act approved May 17, 2004 (Ga. L. 2004, p. 3838), so as to change the compensation of the judge and the clerk of the probate court; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 663

Stoner of the 6th
 Rogers of the 21st
 Hill of the 32nd
 Thompson of the 33rd
 Wiles of the 37th
COBB COUNTY

A BILL to be entitled an Act to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 4078), so as to change the compensation of certain employees of such office; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

E Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Johnson	Y Stoner
Y Cagle	Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Mullis	Y Tolleson
Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Reed	Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Seabaugh	Y Williams
Y Heath	Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the local legislation, the yeas were 45, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

Senator Stephens of the 27th asked unanimous consent that the Senate bills passed on today's Local Consent Calendar be immediately transmitted to the House.

The consent was granted, and the Senate bills on today's Local Consent Calendar were immediately transmitted.

The following bill was taken up to consider House action thereto:

HB 85. By Representatives Richardson of the 19th, Golick of the 34th, Harbin of the 118th, Roberts of the 154th and Keen of the 179th:

A BILL to be entitled an Act to make and provide appropriations for the State Fiscal Year beginning July 1, 2005, and ending June 30, 2006; and for other purposes.

Senator Hill of the 4th asked unanimous consent that the Senate adhere to its substitute to HB 85 and that a Conference Committee be appointed.

The consent was granted, and the President appointed as a Conference Committee the following Senators: Hill of the 4th, Williams of the 19th and Stephens of the 27th.

The following legislation, favorably reported by the committees, as listed on the Consent Calendar for Noncontested General Legislation, was put upon its passage.

CONSENT CALENDAR FOR NONCONTESTED GENERAL LEGISLATION
TUESDAY, MARCH 15, 2005
THIRTY-THIRD LEGISLATIVE DAY

- | | |
|--------|-------------------------------------------------------------------------------------------------------------|
| HR 66 | SBA regulations of certain nonprofit corporations; service area include entire state (ECD-53rd) Smith-168th |
| HB 212 | Juvenile court; guardian ad litem; training for deprivation cases (Substitute)(JUDY-30th) Manning-32nd |
| HB 222 | Criminal procedure; discovery in felony cases; change certain provisions (JUDY-29th) Willard-49th |
| HB 289 | Pardons and Paroles, Board of; allow certain employees assist law enforcement (PS&HS-46th) Day-163rd |

- HB 207 Plumbing; licensure requirements; exception (RI&Util-49th) Rogers-26th
- HR 14 Hybrid or alternative fuel vehicles; urge Congress allow use in high occupancy vehicle lanes (TRANS-19th) Casas-103rd

Senator Thomas of the 2nd asked unanimous consent that HB 207 be removed from the Consent Calendar for Noncontested General Legislation, and placed at the foot of today's Senate Rules Calendar.

The consent was granted and HB 207 was placed at the foot of today's Senate Rules Calendar.

The substitute to the following bill was put upon its adoption:

*HB 212:

The Senate Judiciary Committee offered the following substitute to HB 212:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-9 of the Official Code of Georgia Annotated, relating to appointment of a guardian ad litem for a child in a proceeding in juvenile court, so as to require certain training for guardians ad litem appointed for children in deprivation cases; to provide that such training shall not be in addition to current continuing legal education requirements for attorneys; to provide for exemptions in certain circumstances; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-9 of the Official Code of Georgia Annotated, relating to appointment of a guardian ad litem for a child in a proceeding in juvenile court, is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) The court at any stage of a proceeding under this article, on application of a party or on its own motion, shall appoint a guardian ad litem for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child's behalf or if the interests of the parent, guardian, or custodian appearing on the child's behalf conflict with the child's interests or in any other case in which the interests of the child require a guardian. A party to the proceeding or the employee or representative of a party to the proceeding shall not be appointed. In deprivation cases, a person appointed as a child's guardian ad litem must have received before the appointment

training appropriate to the role that is administered or approved by the Office of the Child Advocate, and may be an attorney or court appointed special advocate, or both, may be appointed as the child's guardian ad litem. For attorneys, the preappointment training required pursuant to this Code section shall be satisfied within attorneys' existing continuing legal education obligations and shall not require attorneys to complete additional training hours in addition to those currently required by the State Bar of Georgia. The Office of the Child Advocate shall exempt from the training required by this Code section attorneys who have practiced as guardians ad litem in juvenile court deprivation proceedings for three or more years and, when such determination is made by the court, have demonstrated a proficiency in child representation."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 48, nays 2, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the legislation as reported, was agreed to.

On the passage of the legislation on the Consent Calendar for Noncontested General Legislation, a roll call was taken, and the vote was as follows:

E Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Starr
N Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Jones	Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
N Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead

Y Harbison
Y Harp
Y Heath
Y Henson

Y Schaefer
Seabaugh
Seay
Y Shafer,D

Y Wiles
Y Williams
Y Zamarripa

On the passage of the legislation, the yeas were 48, nays 2.

The legislation on the Consent Calendar for Noncontested General Legislation, except HB 212, having received the requisite constitutional majority, was passed.

HB 212, having received the requisite constitutional majority, was passed by substitute.

At 12:18 p.m. the President announced that the Senate would stand in recess until 1:30 p.m. today.

At 1:30 p.m. the President called the Senate to order.

SENATE RULES CALENDAR
TUESDAY, MARCH 15, 2005
THIRTY-THIRD LEGISLATIVE DAY

HB 499	Congressional districts; composition and election provisions (Substitute) (R&R-21st) Franklin-43rd
HB 416	Torts; asbestos or silica claims; definitions and provisions (Substitute) (JUDY-37th) Ralston-7th
HB 281	Georgia Regional Transportation Authority; amend provisions (TRANS-19th) Smith-129th

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

HB 499. By Representatives Franklin of the 43rd, Keen of the 179th and Burkhalter of the 50th:

A BILL to be entitled an Act to amend Chapter 1 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions regarding elections, so as to provide for the composition and number of congressional districts; to

provide for election of members of Congress; to provide when such members shall take office; to provide for continuation of present congressional districts until a certain time; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Rogers of the 21st.

Senator Rogers of the 21st asked unanimous consent that HB 499 be committed to the Senate Reapportionment and Redistricting Committee. The consent was granted, and HB 499 was committed to the Senate Reapportionment and Redistricting Committee.

Senator Moody of the 56th asked unanimous consent that Senator Weber of the 40th be excused. The consent was granted, and Senator Weber was excused.

Senator Cagle of the 49th asked unanimous consent that Senator Thomas of the 54th be excused. The consent was granted, and Senator Thomas was excused.

HB 416. By Representatives Ralston of the 7th, Ehrhart of the 36th, Coleman of the 144th and Parrish of the 156th:

A BILL to be entitled an Act to amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to provide for legislative findings and purposes; to provide for applicability; to provide definitions; to provide that physical impairment shall be an essential element of an asbestos claim or a silica claim; to provide for a limitations period for filing a claim; to provide for dismissal of pending claims under certain conditions; to provide for general rules applicable to new filings; to provide for forum non conveniens; to provide for venue; to provide for joinder and consolidation of claims; to provide for other matters relative to the foregoing; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Wiles of the 37th.

The Senate Judiciary Committee offered the following substitute to HB 416:

A BILL TO BE ENTITLED
AN ACT

To amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to change provisions relating to asbestos claims and silica claims; to provide for applicability; to provide definitions; to provide that physical impairment shall be an essential element of an asbestos claim or a silica claim; to provide for a limitations period for filing a claim; to provide for dismissal of pending claims under certain conditions; to

provide for general rules applicable to new filings; to provide for forum non conveniens; to provide for venue; to provide for joinder and consolidation of claims; to provide for other matters relative to the foregoing; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended by inserting at the end thereof a new Chapter 14 to read as follows:

"CHAPTER 14

51-14-1.

This chapter applies to any claim defined in this chapter as an asbestos claim or as a silica claim.

51-14-2.

As used in this chapter, the term:

(1) 'Asbestos' means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated or altered, including but not limited to all minerals defined as asbestos in 29 CFR 1910, as amended from time to time.

(2) 'Asbestos claim' means any claim, wherever or whenever made, for damages, losses, indemnification, contribution, loss of consortium, or other relief arising out of, based on, or in any way related to the health effects of exposure to asbestos, including, but not limited to:

(A) Any claim for:

(i) Personal injury or death;

(ii) Mental or emotional injury;

(iii) Risk of disease or other injury; or

(iv) The costs of medical monitoring or surveillance, to the extent such claims are recognized under state law; and

(B) Any claim made by or on behalf of an exposed person or based on that exposed person's exposure to asbestos, including a representative, spouse, parent, child, or other relative of the exposed person.

For purposes of this chapter, 'asbestos claim' shall not mean a claim brought under a workers' compensation law administered by this state to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries.

(3) 'Asbestosis' means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos.

(4) 'Board certified internist' means a qualified physician licensed to practice

medicine who has treated or is treating the exposed person or has or had a doctor-patient relationship with the exposed person and who is currently certified by the American Board of Internal Medicine.

(5) 'Board certified pathologist' means a qualified physician licensed to practice medicine who holds primary certification in anatomic pathology or combined anatomic or clinical pathology from the American Board of Pathology and whose professional practice is principally in the field of pathology and involves regular evaluation of pathology materials obtained from surgical or post-mortem specimens.

(6) 'Board certified pulmonologist' means a qualified physician licensed to practice medicine who has treated or is treating the exposed person or has or had a doctor-patient relationship with the exposed person and who is currently certified by the American Board of Internal Medicine in the subspecialty of pulmonary medicine.

(7) 'Certified B-reader' means a qualified physician who has successfully passed the B-reader certification examination for X-ray interpretation sponsored by the National Institute for Occupational Safety and Health and whose certification was current at the time of any readings required by this chapter.

(8) 'Chest X-rays' means films taken in two views (PA and Lateral) and graded quality 1 for reading in accordance with the radiological standards established by the International Labor Office, as interpreted by a certified B-reader.

(9) 'Claimant' means a party seeking recovery of damages for an asbestos claim or silica claim, including the exposed person, any other plaintiff making a claim as a result of the exposed person's exposure to asbestos or silica, counterclaimant, cross-claimant, or third-party plaintiff. If a claim is brought through or on behalf of an estate, the term includes the claimant's decedent; if a claim is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian.

(10) 'Exposed person' means any person whose exposure to asbestos or silica is the basis for an asbestos claim or a silica claim.

(11) 'FEV-1' means forced expiratory volume in the first second, which is the maximal volume of air expelled in one second during performance of simple spirometric tests.

(12) 'FVC' means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(13) 'ILO system' means the radiological ratings of the International Labor Office set forth in *Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses*, revised edition, as amended from time to time by the International Labor Office.

(14) 'Lower limit of normal' means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, fifth edition, as amended from time to time by the American Medical Association.

(15) In the context of an asbestos claim, 'prima-facie evidence of physical impairment' means:

(A) That a board certified pathologist has made a diagnosis of pleural or peritoneal

mesothelioma, or a diagnosis of cancer demonstrated by a medical report showing the diagnosis as a primary cancer, and has signed a report certifying to a reasonable degree of medical certainty that exposure to asbestos was a substantial contributing factor to the diagnosed cancer and that it was not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical histories; or

(B) That a board certified internist, pulmonologist, or pathologist has signed a detailed narrative medical report and diagnosis stating that the exposed person suffers from a nonmalignant disease related to asbestos and that:

(i) Verifies that the doctor signing the detailed narrative medical report and diagnosis or a medical professional employed by and under the direct supervision and control of that doctor has taken:

(I) A detailed occupational and exposure history from the exposed person or, if that person is deceased, from the person most knowledgeable about the exposures that form the basis for the action. The history shall include all of the exposed person's principal employments and his or her exposures to airborne contaminants that can cause pulmonary impairment, including, but not limited to, asbestos, silica, and other disease-causing dusts, and the nature, duration, and level of any such exposure; and

(II) A detailed medical and smoking history that includes a thorough review of the exposed person's past and present medical problems and their most probable cause;

(ii) Sets out the details of the occupational, medical, and smoking histories and verifies that at least 15 years have elapsed between the exposed person's first exposure to asbestos and the time of diagnosis;

(iii) Verifies that the exposed person has:

(I) An ILO quality 1 chest X-ray taken in accordance with all applicable state and federal regulatory standards, and that the X-ray has been read by a certified B-reader according to the ILO system of classification as showing bilateral small irregular opacities (s, t, or u) graded 1/1 or higher or bilateral diffuse pleural thickening graded b2 or higher including blunting of the costophrenic angle; provided, however, that in a death case where no pathology is available, the necessary radiologic findings may be made with a quality 2 film if a quality 1 film is not available; or

(II) Pathological asbestosis graded 1(B) or higher under the criteria published in the Asbestos-Associated Diseases, Special Issue of the *Archives of Pathological and Laboratory Medicine*, Volume 106, Number 11, Appendix 3, as amended from time to time;

(iv) Verifies that the exposed person has pulmonary impairment related to asbestos as demonstrated by pulmonary function testing, performed using equipment, methods of calibration, and techniques that meet the criteria incorporated in the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, fifth edition, and reported as set forth in 20 CFR 404,

Subpt. P. App 1, Part (A) Section 3.00 (E) and (F), as amended from time to time by the American Medical Association, and the interpretative standards of the American Thoracic Society, *Lung Function Testing: Selection of Reference Values and Interpretive Strategies*, 144 Am. Rev. Resp. Dis. 1202-1218 (1991), as amended from time to time by the American Thoracic Society, that shows:

- (I) Forced vital capacity below the lower limit of normal and FEV1/FVC ratio, using actual values, at or above the lower limit of normal; or
- (II) Total lung capacity, by plethysmography or timed gas dilution, below the lower limit of normal; and
- (v) Verifies that the doctor signing the detailed narrative medical report and diagnosis has concluded that exposure to asbestos was a substantial contributing factor to the exposed person's medical condition and physical impairment and that they were not more probably the result of other causes revealed by the exposed person's employment and medical histories.

Copies of the B-reading, the pulmonary function tests, including printouts of the flow volume loops and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards set forth herein, and the diagnosing physician's detailed narrative medical report and diagnosis shall be attached to any complaint alleging nonmalignant disease related to exposure to asbestos. All such reports, as well as all other evidence used to establish prima-facie evidence of physical impairment, must meet objective criteria for generally accepted medical standards related to exposure to asbestos and must not be obtained through testing or examinations that violate any applicable law, regulation, licensing requirement, or medical code of practice. Failure to attach the required reports or demonstration by any party that the reports do not satisfy the standards set forth herein shall result in the dismissal of the action, without prejudice, upon motion of any party.

(16) In the context of a silica claim, 'prima-facie evidence of physical impairment' means:

- (A) A written diagnosis of silica related lung cancer demonstrated by:
 - (i) A medical report showing the diagnosis as a diagnosis of a primary lung cancer; and
 - (ii) A signed report certified by a board certified internist, pulmonologist, or pathologist stating to a reasonable degree of medical probability that exposure to silica was the cause of the diagnosed lung cancer with underlying silicosis demonstrated by bilateral nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/1 or higher and not more probably the result of causes other than the silica exposure revealed by the exposed person's employment and medical histories;
- (B) A written diagnosis of silica related progressive massive fibrosis or acute silicoproteinosis; or silicosis complicated by documented tuberculosis, demonstrated by a signed report certified by a board certified internist, pulmonologist, or pathologist; or

(C) That a board certified internist, pulmonologist, or pathologist has signed a detailed narrative medical report and diagnosis stating that the exposed person suffers from other stages of nonmalignant disease related to silicosis other than those set forth in subparagraphs (A) and (B) of this paragraph, and that:

(i) Verifies that the doctor signing the detailed narrative medical report and diagnosis or a medical professional employed by and under the direct supervision and control of that doctor has taken:

(I) A detailed occupational and exposure history from the exposed person or, if that person is deceased, from the person most knowledgeable about the exposures that form the basis for the action. The history shall include all of the exposed person's principal employments and his or her exposures to airborne contaminants that can cause pulmonary impairment, including, but not limited to, asbestos, silica, and other disease-causing dusts, and the nature, duration, and level of any such exposure; and

(II) A detailed medical and smoking history that includes a thorough review of the exposed person's past and present medical problems and their most probable cause;

(ii) Sets out the details of the occupational, medical, and smoking histories and verifies a sufficient latency period for the applicable stage of silicosis;

(iii) Verifies that the exposed person has at least Class 2 or higher impairment due to silicosis, as set forth in the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, fifth edition, as amended from time to time; and

(I) An ILO quality 1 chest X-ray taken in accordance with all applicable state and federal regulatory standards, and that the X-ray has been read by a certified B-reader according to the ILO system of classification as showing bilateral nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/1 or higher; provided, however, that in a death case where no pathology is available, the necessary radiologic findings may be made with a quality 2 film if a quality 1 film is not available; or

(II) Pathological demonstration of classic silicotic nodules exceeding 1 centimeter in diameter as set forth in *Archives of Pathological & Laboratory Medicine*, July, 1988, as amended from time to time; and

(iv) Verifies that the doctor signing the detailed narrative medical report and diagnosis has concluded that the exposure to silica is a substantial contributing factor to the exposed person's medical condition and physical impairment and that they were not more probably the result of other causes revealed by the exposed person's employment and medical history.

Copies of the B-reading, the pulmonary function tests, including printouts of the flow volume loops and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards set forth herein, and the diagnosing physician's detailed narrative medical report and diagnosis shall be attached to any complaint alleging nonmalignant disease related to exposure to

silicosis. All such reports, as well as all other evidence used to establish prima-facie evidence of physical impairment, must meet objective criteria for generally accepted medical standards related to exposure to silica and must not be obtained through testing or examinations that violate any applicable law, regulation, licensing requirement, or medical code of practice. Failure to attach the required reports or demonstration by any party that the reports do not satisfy the standards set forth herein shall result in the dismissal of the action, without prejudice, upon motion of any party.

(17) 'Qualified physician' means a medical doctor, who:

(A) Spends no more than 10 percent of his or her professional practice time in providing consulting or expert services in connection with actual or potential civil actions, and whose medical group, professional corporation, clinic, or other affiliated group earns not more than 20 percent of its revenues from providing such services;

(B) Receives or received payment for the treatment of the exposed person from that person or from that person's health maintenance organization or other medical provider; and

(C) Does not require as a condition of diagnosing, examining, testing, screening, or treating the exposed person that legal services be retained by the exposed person or any other person pursuing an asbestos or silica claim based on the exposed person's exposure to asbestos or silica.

(18) 'Silica' means a group of naturally occurring crystalline forms of silicon dioxide, including, but not limited to, quartz and silica sand, whether in the form of respirable free silica or any quartz-containing or crystalline silica-containing dust, in the form of a quartz-containing by-product or crystalline silica-containing by-product, or dust released from individual or commercial use, release, or disturbance of silica sand, silicon dioxide, or crystalline-silica containing media, consumables, or materials.

(19) 'Silica claim' means any claim, wherever or whenever made, for damages, losses, indemnification, contribution, loss of consortium, or other relief arising out of, based on, or in any way related to the health effects of exposure to silica, including, but not limited to:

(A) Any claim for:

(i) Personal injury or death;

(ii) Mental or emotional injury;

(iii) Risk of disease or other injury; or

(iv) The costs of medical monitoring or surveillance, to the extent such claims are recognized under state law; and

(B) Any claim made by or on behalf of any exposed person or based on that exposed person's exposure to silica, including a representative, spouse, parent, child, or other relative of the exposed person.

For purposes of this chapter, 'silica claim' shall not mean a claim brought under a workers' compensation law administered by this state to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or

for disability or death caused by occupational diseases or injuries.

(20) 'Silicosis' means nodular interstitial fibrosis of the lung produced by inhalation of silica.

(21) 'Total lung capacity' means the volume of gas contained in the lungs at the end of a maximal inspiration.

51-14-3.

(a) Prima-facie evidence of physical impairment of the exposed person as defined in paragraph (15) or (16) of Code Section 51-14-2 shall be an essential element of an asbestos claim or silica claim.

(b) No person shall bring or maintain a civil action alleging an asbestos claim or silica claim in the absence of prima-facie evidence of physical impairment resulting from a medical condition for which exposure to asbestos or silica was a substantial contributing factor.

51-14-4.

Notwithstanding any other provision of law, with respect to any asbestos claim or silica claim not barred as of the effective date of this chapter, the limitations period shall not begin to run until the exposed person or any plaintiff making an asbestos claim or silica claim based on the exposed person's exposure to asbestos or silica discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is or was physically impaired as defined in paragraph (15) or (16) of Code Section 51-14-2.

51-14-5.

(a) Any asbestos claim or silica claim pending in this state on the effective date of this chapter shall be dismissed within 180 days of the effective date of this chapter without prejudice unless:

(1) All parties stipulate by no less than 60 days prior to the commencement of trial that the plaintiff has established prima-facie evidence of physical impairment with respect to an asbestos claim or silica claim; or

(2) The trial court in which the complaint was initially filed issues an order that the plaintiff has established prima-facie evidence of physical impairment with respect to an asbestos claim or silica claim. Such an order shall be issued only if the following conditions and procedures are met:

(A) By no less than 60 days prior to the commencement of trial, the plaintiff files with the trial court and serves on each defendant named in the complaint or on counsel designated by each defendant the medical documentation necessary to establish prima-facie evidence of physical impairment;

(B) Within 30 days of service of plaintiff's documentation establishing prima-facie evidence of physical impairment, any defendant may file an opposition with the trial court challenging plaintiff's prima-facie evidence of physical impairment. To the extent any such opposition is based upon the medical opinion of a licensed

physician, that physician shall be a qualified physician, as that term is defined in subparagraph (A) of paragraph (17) of Code Section 51-14-2, and shall be either a board certified internist, a board certified pathologist, a board certified pulmonologist, or a certified B-reader. Defendant's opposition shall be filed with the trial court and served on plaintiff's counsel and each defendant;

(C) If a defendant does not file an opposition within the time permitted, the trial court shall determine if the plaintiff has established prima-facie evidence of physical impairment in a timely manner based on the papers and documentation submitted to the trial court;

(D) If a defendant files an objection, then within ten days of service of defendant's opposition, the plaintiff may file a reply with the trial court. The reply must be served on each defendant; and

(E) The trial court shall determine if the plaintiff has established prima-facie evidence of physical impairment in a timely manner based on the papers and documentation submitted to the trial court. A hearing will be conducted only if the trial court so orders on its own motion, or if, in the exercise of discretion, the trial court grants a party's request for a hearing. No testimony shall be taken at the hearing. A decision of the trial court not to grant a request for a hearing may not be appealed and does not constitute reversible error. If the trial court determines that the plaintiff has failed to establish prima-facie evidence of physical impairment, it shall dismiss the plaintiff's complaint without prejudice; or

(3) In the event a trial is scheduled to commence in less than 60 days from the effective date of this chapter, a trial court can shorten the deadlines contained in this subsection as necessary in order to make a determination regarding the prima-facie evidence of physical impairment before trial commences.

(b)(1) The plaintiff in any asbestos claim or silica claim filed in this state on or after the effective date of this chapter shall file together with the complaint a medical affidavit and accompanying documentation setting forth the medical findings necessary to establish prima-facie evidence of physical impairment as provided in paragraph (15) or (16) of Code Section 15-14-2. In addition, the plaintiff's complaint shall allege with specificity that the plaintiff satisfies the prima-facie evidence of physical impairment with respect to an asbestos claim or silica claim.

(2) Within 90 days of service of plaintiff's complaint, any defendant may file an opposition with the trial court challenging plaintiff's prima-facie evidence of physical impairment. To the extent any such opposition is based upon the medical opinion of a licensed physician, that physician shall be a qualified physician, as that term is defined in subparagraph (A) of paragraph (17) of Code Section 51-14-2, and shall be either a board certified internist, a board certified pathologist, a board certified pulmonologist, or a certified B-reader. Defendant's opposition shall be filed with the trial court and served on plaintiff's counsel and each defendant.

(3) If the defendant does not file an opposition challenging plaintiff's prima-facie evidence of physical impairment within the time permitted, the trial court shall determine if the plaintiff has established prima-facie evidence of physical impairment

based on the papers and documentation submitted to the trial court. The trial court's decision shall be made in a timely manner.

(4) If the defendant files an objection, the plaintiff may file a reply with the trial court within ten days of service of defendant's opposition. The reply must be served on each defendant.

(5) The trial court shall determine if the plaintiff has established prima-facie evidence of physical impairment with respect to an asbestos claim or silica claim in a timely manner based on the papers and documentation submitted to the trial court. A hearing will be conducted only if the trial court so orders on its own motion, or if, in the exercise of discretion, the trial court grants a party's request for a hearing. No testimony shall be taken at the hearing. A decision of the trial court not to grant a request for a hearing may not be appealed and does not constitute reversible error. If the trial court determines that the plaintiff has failed to establish prima-facie evidence of physical impairment, it shall dismiss the plaintiff's complaint without prejudice.

51-14-6.

(a) All asbestos claims and silica claims filed in this state on or after the effective date of this chapter shall include a sworn information form containing the following information:

(1) The exposed person's name, address, date of birth, social security number, and marital status;

(2) If the exposed person alleges exposure to asbestos or silica through the testimony of another person or other than by direct or bystander exposure to a product or products, the name, address, date of birth, social security number, and marital status for each person by which claimant alleges exposure, hereafter the 'index person,' and the claimant's relationship to each person;

(3) The specific location of each alleged exposure;

(4) The specific asbestos-containing product or silica-containing product to which the exposed person was exposed and the manufacturer of each product;

(5) The beginning and ending dates of each alleged exposure as to each asbestos-containing product or silica-containing product for each location at which exposure allegedly took place for plaintiff and for each index person;

(6) The occupation and name of employer of the exposed person at the time of each alleged exposure;

(7) The specific condition related to asbestos or silica claimed to exist; and

(8) Any supporting documentation of the condition claimed to exist.

(b) All asbestos claims and silica claims along with sworn information forms must be individually filed in separate civil actions except that claims relating to the exposure to asbestos or silica for the same exposed person whose alleged injury is the basis for the civil action may be joined in a single action. Otherwise, no claims on behalf of a group or class of persons shall be joined in single civil action.

51-14-7.

(a) Until such time as the trial court enters an order determining that the plaintiff has established prima-facie evidence of physical impairment, no asbestos claim or silica claim shall be subject to discovery, except discovery related to establishing or challenging the prima-facie evidence of physical impairment or by order of the trial court upon motion of one of the parties and for good cause shown.

(b) The medical criteria set forth in this chapter to establish prima-facie evidence of physical impairment are solely for the purpose of determining whether a claim meets the criteria to proceed in court. The fact that a plaintiff satisfies the criteria necessary to establish prima-facie evidence of physical impairment for an asbestos claim or silica claim shall not be construed as an admission or determination that the exposed person in fact has a condition related to exposure to asbestos or silica and shall not be cited, referred to, or otherwise used at trial.

(c) Unless stipulated to by the parties, an expert report submitted for the purpose of establishing or challenging prima-facie evidence of physical impairment is inadmissible for any other purpose.

51-14-8.

(a) Notwithstanding Code Section 1-2-6 or 1-2-10, a civil action alleging an asbestos claim or silica claim may only be brought or maintained in the courts of Georgia if the plaintiff, whether a citizen of Georgia or a citizen of some other state, is a resident of Georgia at the time of filing the action or the exposure to asbestos or silica on which the claim is based occurred in Georgia; provided, however, nothing contained in this chapter shall preclude a nonresident of Georgia who currently has a case pending in this state on the effective date of this chapter from maintaining an asbestos claim or silica claim if that nonresident can establish prima-facie evidence of physical impairment with respect to an asbestos claim or silica claim as provided in paragraph (15) or (16) of Code Section 51-14-2.

(b) The trial court, on motion of a defendant, shall dismiss each asbestos claim or silica claim that is subject to this chapter against the defendant unless the plaintiff files a written statement with the trial court electing to abate the plaintiff's claim against the defendant for a period of 180 days from the date the trial court disposes of the defendant's motions in order to afford the plaintiff an opportunity to file a new action on the claims in another state of the United States.

(c)(1) A trial court may not abate or dismiss a claim under this Code section until the defendant files with the trial court or with the clerk of the court a written stipulation that, with respect to a new action on the claim commenced by the plaintiff, the defendant waives the right to assert a statute of limitations defense in all other states of the United States in which the claim was not barred by limitations at the time the claim was filed in this state as necessary to effect a tolling of the limitations periods in those states beginning on the date the claim was filed in this state and ending on the date the claim is dismissed or the period of abatement ends. The fact that a claim subject to this Code section was barred by the statute of limitations in all other states

of the United States at the time it was filed in this state shall not prevent the claim from being dismissed pursuant to this Code section and such claim shall be dismissed even if it can not be filed in another state. The trial court may not abate or dismiss a claim under this Code section until the defendant files with the trial court or with the clerk of the court a written stipulation that, with respect to a new action on the claim commenced by the plaintiff in another state of the United States, the plaintiff may elect that the plaintiff and the defendant may rely on responses to discovery already provided under the Georgia Civil Practice Act, plus any additional discovery that may be conducted under the rules of civil procedure in another state, or use responses to discovery already provided and conduct additional discovery as permitted under the rules of civil procedure in such other state.

(2) If less than all of the defendants agree to provide the stipulations set forth in paragraph (1) of this subsection, then the court shall dismiss the claims of those defendants who so stipulate.

(d) To comply with this Code section in relation to an action that involves both claims that arose in this state and claims that arose outside this state, a trial court shall consider each claim individually and shall sever from the action the claims that are subject to this Code section.

(e) If a plaintiff alleges that the exposed person was exposed to asbestos or silica while located in more than one jurisdiction, the trial court shall determine, for purposes of this Code section, which of the jurisdictions is the most appropriate forum for the claim, considering the relative amounts and lengths of the exposed person's exposure to asbestos or silica in each jurisdiction.

51-14-9.

Notwithstanding any other provision of law, an asbestos claim or silica claim that meets the requirements of this chapter permitting a claim to be filed in this state may only be filed in the county where the plaintiff resides or the county in which the exposure to asbestos or silica on which the claim is based occurred and that exposure was a substantial contributing factor to the physical impairment of the exposed person on which the plaintiff's claim is based. If a plaintiff alleges that an exposed person was exposed to asbestos or silica while located in more than one county, the trial court shall determine which of the counties is the most appropriate forum for the claim, considering the relative amounts and lengths of the exposed person's exposure to asbestos or silica in each of those counties.

51-14-10.

A trial court may consolidate for trial any number and type of asbestos claims or silica claims with the consent of all the parties. In the absence of such consent, the trial court may consolidate for trial only asbestos claims or silica claims relating to the same exposed person and members of his or her household."

SECTION 2.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and applies to all asbestos claims or silica claims filed on or after the effective date and to any pending asbestos claims or silica claims in which trial has not commenced as of the effective date.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 40, nays 1, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
N Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	N Tate
Y Carter	Y Kemp	E Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	N Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
N Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Walker
Y Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles

Y Harp
Y Heath
Y Henson

Y Seabaugh
Y Seay
Y Shafer,D

Y Williams
Y Zamarripa

On the passage of the bill, the yeas were 47, nays 6.

HB 416, having received the requisite constitutional majority, was passed by substitute.

HB 281. By Representatives Smith of the 129th, Loudermilk of the 14th, Graves of the 12th, Floyd of the 147th and Mosley of the 178th:

A BILL to be entitled an Act to amend Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Regional Transportation Authority, so as to provide for additional powers to enter upon certain lands; to provide for procedures and conditions; to provide for a sales and use tax exemption with respect to property purchased by or used by the authority; to provide that no provision of Chapter 7 of Title 46 shall apply to any bus, other motor vehicle, or rapid rail system of the authority which provides transit services; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Williams of the 19th.

The following Fiscal Note, as required by law, was read by the Secretary:

DEPARTMENT OF AUDITS AND ACCOUNTS
254 Washington Street, S.W., Suite 214
Atlanta, Georgia 30334-8400

February 14, 2005

Russell W. Hinton
State Auditor
(404) 656-2174

Honorable Larry O'Neal, Chairman
House Ways and Means Committee
State Capitol, Room 133
Atlanta, Georgia 30334

SUBJECT: Fiscal Note
House Bill 281 (LC 18 4014)

Dear Chairman O'Neal:

This bill would provide for a sales and use tax exemption on property purchased or used

by the Georgia Regional Transportation Authority (GRTA).

The Georgia State University Fiscal Research Center estimated the annual revenue loss to the state at \$600,000. The Center indicated that the estimated annual revenue loss to local governments is also \$600,000. The estimated revenue loss is based on reported sales tax payments made by GRTA. Based on the pattern of coach purchases by GRTA, annual revenue loss is expected to remain relatively constant over the next several years.

Sincerely,
/s/ Russell W. Hinton
State Auditor

/s/ Timothy A. Connell, Director
Office of Planning and Budget

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Tate
Y Carter	Y Kemp	E Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	Y Miles	Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Reed	E Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 2.

HB 281, having received the requisite constitutional majority, was passed.

The following bill was taken up to consider House action thereto:

SB 97. By Senators Hamrick of the 30th, Mullis of the 53rd, Kemp of the 46th, Unterman of the 45th and Tate of the 38th:

A BILL to be entitled an Act to amend Code Section 15-11-71 of the Official Code of Georgia Annotated, relating to juvenile court supervision fees, so as to provide that fees may be used for truancy intervention services; to provide for related matters; to repeal conflicting laws; and for other purposes.

The House substitute was as follows:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to amend certain provisions relating to court supervision fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking Code Section 15-11-71 of the Official Code of Georgia Annotated, relating to juvenile court supervision fees, and inserting a new Code section to read as follows:

"15-11-71.

(a) The purpose of this Code section is to allow the juvenile courts of Georgia to collect supervision fees from those who are placed under the courts' formal or informal supervision in order that the court may use those fees to expand the provision of the following types of ancillary services:

- (1) Housing in nonsecure facilities that meet the requirements of Code Section 15-11-48;
- (2) Educational services, tutorial services, or both;
- (3) Counseling and diagnostic testing;
- (4) Mediation;
- (5) Transportation to and from court ordered services;
- (6) Truancy intervention services;
- ~~(6)~~(7) Restitution programs; and
- ~~(7)~~(8) Job development or work experience programs.

(b) The juvenile court may order each delinquent or unruly child who receives supervision under paragraph (2), (5), or (6) of subsection (a) of Code Section 15-11-66; or Code Section 15-11-67; or ~~paragraph (2) of subsection (a) of~~ counsel and advice

pursuant to Code Section 15-11-69 to pay:

(1) An initial court supervision user's fee of not less than \$10.00 nor more than \$200.00; and

(2) A court supervision user's fee of not less than \$2.00 nor more than \$30.00 for each month that the child receives supervision

to the clerk of the court. The child and each parent, guardian, or legal custodian of the child may be jointly and severally liable for the payment of the fee and shall be subject to the enforcement procedure stated in subsection (b) of Code Section 15-11-8. The judge shall attempt to provide that any such fees shall be imposed on such terms and conditions as shall assure that the funds for the payment are from moneys earned by the child. All moneys collected by the clerk under this subsection shall be transferred to the county treasurer, or such other county official or employee who performs duties previously performed by said treasurer, who shall deposit the moneys into a county supplemental juvenile services fund. The governing authority of the county shall appropriate moneys from the county supplemental juvenile services fund to the juvenile court for the court's discretionary use in providing supplemental community based services described in subsection (a) of this Code section to offenders who are children. These funds shall be administered by the county and the court may draw upon them by submitting invoices to the county. The county supplemental juvenile services fund may be used only for these services. Any moneys remaining in the fund at the end of the county fiscal year shall not revert to any other fund but shall continue in the county supplemental juvenile services fund. The county supplemental juvenile services fund may not be used to replace other funding of services.

(c) For the purpose of this Code section, the term 'guardian' or 'legal custodian' shall not be interpreted or construed to include the Department of Human Resources or the Department of Juvenile Justice."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Senator Hamrick of the 30th moved that the Senate agree to the House substitute to SB 97.

On the motion, a roll call was taken and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	E Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R

Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Reed	E Weber
Y Hamrick	Y Rogers	Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the motion, the yeas were 51, nays 1; the motion prevailed, and the Senate agreed to the House substitute to SB 97.

The Calendar was resumed.

HB 207. By Representative Rogers of the 26th:

A BILL to be entitled an Act to amend Code Section 43-14-2 of the Official Code of Georgia Annotated, relating to definitions relative to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, so as to revise a definition; to provide an exception to plumbing licensure requirements; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Cagle of the 49th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	E Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S

Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Y Walker
Y Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Zamarripa
N Henson	Y Shafer,D	

On the passage of the bill, the yeas were 50, nays 2.

HB 207, having received the requisite constitutional majority, was passed.

Senator Stephens of the 27th moved that the Senate stand adjourned pursuant to HR 487 until 10:00 a.m. Thursday, March 17, 2005; the motion prevailed, and at 2:13 p.m. the President announced the Senate adjourned.